

**AGENDA**  
**CITY OF NORTH SIOUX CITY, SOUTH DAKOTA**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**MAY 19, 2014**  
**7:00 P.M. – CITY HALL**

1. Call meeting to order at 7:00 P.M.
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: May 5, 2014, Regular Meeting
6. Mayor: Don Fuxa
  - A. River Valley Presentation
  - B. Public Hearing – Rezoning Request (7:05 p.m.)
  - C. Odor Control Update
  - D. Boat Launch Fee/Public Boat Ramp Update
  - E. Sign Ordinance Amendments (First Reading)
  - F. Animal Control Ordinance Amendments (First Reading)
  - G. Petition for Annexation
  - H. Declare Surplus Property (Library Shelving)
  - I. Donation to Adams Nature Preserve’s “Sonny’s Acres” Project
  - J. Purchase and Surplus of Equipment for Public Works Department
  - K. Retail Fireworks Permit Applications
  - L. Survey Plat
  - M. Requests for Temporary Street Closure
  - N. Permission to Advertise - Storm Sewer Outlet Rip Rap Project
7. Community and Council Input
8. Executive session\*
9. Approval of Fines
10. Approval of Bills
11. Adjournment

\*SDCL 1-25-2 (sections 1-5) allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters (SDCL 9-34-19).

**UNAPPROVED  
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA  
REGULAR MEETING OF THE CITY COUNCIL  
MAY 19, 2014  
7:00 P.M. CITY HALL**

Meeting called to order at 7:00 p.m. by Mayor Fuxa. Roll call: Leitru, Parks, Meyer, Reiff, Beavers, Rogers and Verdoorn were present. Christiansen was absent.

Mayor Fuxa led the Pledge of Allegiance.

Motion by Meyer, second by Verdoorn to approve the agenda as presented. Unanimous.

Motion by Parks, second by Rogers to approve the May 5, 2014, regular Council meeting minutes as presented. Unanimous.

City of North Sioux City officials provided an update on ongoing efforts to remedy the odor being generated at the Royal Canin wastewater pretreatment plant. It was reported that the addition of a new chemical and improved filter media has helped significantly in addressing air born odors. It was noted that a compliance schedule is still in place, and that during the duration of the compliance schedule Royal Canin will be required to provide monthly updates to the pretreatment office and the City of North Sioux City so that progression with the schedule can be tracked.

Representatives from the River Valley Addition presented an overview of the long-range plans for the growing mix-used development.

Public hearing on request to rezone the following property from R-1 (Residential Single Family) to CB (Central Business) was opened at 7:30 p.m.

Legal Description: Lot 17, Block 8 in North Sioux City, Union County, South Dakota and Lot 18, Block 8 in North Sioux City, Union County, South Dakota (Corner of Louis Avenue and River Drive).

Public input was received from Hank Mobley of Crystal Clean, Inc. Motion by Leitru, second by Rogers to close public hearing at 7:32 p.m. Unanimous. Motion by Beavers, second by Leitru to approve the rezoning request as presented. Unanimous.

Finance Office Donna Houck provided an update on the Public Boat Ramp/Boat Launch Fee project. It was reported that the required equipment has been ordered, and that installation of the fee station is scheduled to begin in early June.

Motion by Beavers, second by Leitru to approve the first reading of amendments to the City's sign ordinances, primarily as they pertain to sign placement within the public right-of-way. Unanimous.

Motion by Meyer, second by Rogers to approve the first reading of amendments to the City's animal control ordinances, expressly lifting the ban on pit bulls and preventing dogs/animals which have been declared dangerous in other jurisdictions from being relocated to North Sioux City. Unanimous. It was noted that the changes are in response to recent State legislation which prohibits municipalities from enforcing policies specific to a particular breed. Unanimous.

Motion by Beavers, second by Parks to approve the following "Resolution to Annex Certain Real Estate."  
Unanimous.

**CITY OF NORTH SIOUX CITY  
RESOLUTION #2014-02**

**A RESOLUTION TO ANNEX CERTAIN REAL ESTATE**

WHEREAS, a Petition has been filed with the Mayor and City Council of the City of North Sioux City, Union County, South Dakota in the manner and form required by law, requesting the voluntary annexation of certain real estate pursuant to SDCL 9-4-1, and legally described as:

Lot C of Outlot 1 in the Northeast Quarter (NE¼) of Section Eight (8), Township Eighty-Nine (89) North, Range Forty-Eight (48), Union County, South Dakota, subject to easements and restrictions of record.

WHEREAS, it has been determined that it would be in the public interest for the City of North Sioux City to annex the above described real estate for use in the future development of North Sioux City.

WHEREAS, the owner of the contiguous territory represents that they own 100 percent of the above described real estate and have voluntarily signed the Petition now before the City Council and that said property should be annexed into the City of North Sioux City, South Dakota.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of North Sioux City, South Dakota, that the following described real estate which is contiguous to the boundaries of the City of North Sioux City be, and the same is hereby annexed:

Lot C of Outlot 1 in the Northeast Quarter (NE¼) of Section Eight (8), Township Eighty-Nine (89) North, Range Forty-Eight (48), Union County, South Dakota, subject to easements and restrictions of record.

The above Resolution was moved by Councilmember Beavers and seconded by Councilmember Parks and unanimously approved by seven (7) Council members at a meeting duly called and held on May 19, 2014.

Dated this 19 day of May, 2014.

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DON FUXA, Mayor

ATTEST:

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DONNA HOUCK, Finance Officer

Motion by Beavers, second by Rogers to declare unneeded library shelving as surplus property and allow the property to be sold to the Scott County Library in Iowa. Unanimous.

Motion by Parks, second by Rogers to donate \$1000 to the Adams Homestead and Nature Preserve's "Sonny's Acres" barnyard animals project. Unanimous.

Motion by Beavers, second by Verdoorn to declare a 2007 Gravely mower (serial #00702) and attachments (breaker, snow blower and broom) from a previously-owned skid steer loader as surplus property, and allow the aforementioned equipment to be used as trade-in toward the purchase of a new Kawasaki mower and new attachments for an existing skid steer loader. Unanimous.

Motion by Beavers, second by Verdoorn to approve the following applications for retail fireworks permit. Unanimous.

Big Sioux Fireworks  
100 ½ Military Road  
North Sioux City, SD 57049

Kickin' Wing Fireworks  
1301 River Drive  
North Sioux City, SD

Motion by Leitru, second by Meyer to approve the following survey plat. Unanimous.

Lots 1, 1A, 2 and 2A, Wankum Addition, in Gov't Lot 4, in the SW1/4 in 10-89-48 of the 5<sup>th</sup> P.M. North Sioux City, Union County, South Dakota

Motion by Beavers, second by Leitru to approve the following temporary street closures for neighborhood events with the understanding the residents are responsible for clean-up, returning City barricades and signing a liability waiver. Unanimous.

311 Lakeshore north to and including the cul-de-sac – June 14, 2014 (2:00 p.m. to midnight)  
613 Lakeshore to 604 Lakeshore – July 4, 2014 (10:00 a.m. to midnight)

Motion by Parks, second by Rogers to authorize the advertisement of bids for the Storm Sewer Outlet Rip Rap project. Unanimous.

During community/council input: 1.) Mayor Fuxa noted that the Council will be discussing a proposed Revolving Fund for the Harvest Bend housing development during the June 2, 2014, regular Council meeting; and 2.) Parks raised concerns with potholes on Highway 105. It was reported that the South Dakota Department of Transportation (SDDOT) is scheduled to open bids for the Highway 105 Resurfacing Project on May 21, 2014.

Motion by Parks, second by Meyer to enter Executive Session at 7:49 p.m. in accordance with SDCL 9-34-19 to discuss economic development matters. Unanimous.

Regular session resumed at 7:59 p.m.

Fines in the amount of \$94.25 were approved with a motion from Parks and a second by Rogers. Unanimous.

Motion by Beavers, second by Meyer for the approval of bills. Unanimous.

FAST ACCESS SECURITY CORP	\$18,356.00	BOAT LAUNCH GATE EQUIPMENT
BARNES & NOBLE INC	\$86.79	BOOKS
BEN FISH TIRE CO, INC	\$190.00	MOWERS-PARTS
BIERSCHBACH EQUIPMENT & SUPPLY	\$568.70	PAINT, STEEL TILE PROBE, TRAFFIC CONES
BUELL WINTER MOUSEL & ASSOC	\$31,164.37	ENGINEERING SERVICES
C. W. SUTER SERVICES INC	\$2,842.00	5/2014-5/2014 CITY HALL ANNUAL MAINT AGREEMENT
CENTER POINT LGE PRINT	\$88.68	BOOKS
CITY OF SIOUX CITY	\$21,016.13	APR 14 SEWER CHARGES USAGE 10,022
CITY OF SIOUX FALLS	\$159.50	1QTR2014 BACTERIA WATER TESTS
CRARY, HUFF, INKSTER, SHEEHAN,	\$5,948.75	LEGAL SERVICES
CULLIGAN WATER CONDITIONING	\$43.00	BOTTLED WATER
CUMMINS CENTRAL POWER LLC	\$805.50	GENERATOR REPAIR/MAINTENANCE
DAKOTA DUNES/NSC TIMES	\$535.04	APR 2014 PUBLISHING
ED M. FELD EQUIPMENT CO, INC.	\$156.54	FUNCTION TEST ESCAPE PAKS
FERGUSON WATERWORKS #2516	\$1,729.05	METERS, SEALS, PINS
GRAHAM TIRE CO.	\$197.83	FORD V10 LR TIRE REPLACEMENT
INGRAM LIBRARY SERVICES	\$444.12	BOOKS
JACK'S UNIFORMS & EQUIPMENT	\$305.00	CLOTHING ALLOWANCE
JANITOR DEPOT, INC.	\$51.90	SR CENTER TISSUE DISPENSER
KMEG-TV	\$1,205.00	ADVERTISING 03/31-04/27
KNOEPFLER CHEVROLET CO	\$279.98	2010 IMPALA CAPS, PAD KIT, ROTORS
KPTH	\$695.00	ADVERTISING 03/31-04/25
KTIV TELEVISION INC	\$490.00	ADVERTISING 04/09-04/17
LEADER-COURIER	\$500.31	APR 2014 PUBLISHING
TEAMSTERS LOCAL NO. 120	\$246.00	POLICE DEPARTMENT
MERCY BUSINESS HEALTH SVCS	\$48.33	APR 2014 EAP
MIDAMERICAN ENERGY	\$13,873.61	APR 2014 UTILITY CHARGES
MJ MINOR UTILITY CONTRACTOR	\$600.00	SUNCOAST LIFT STATION
NATE'S FINE SHINE	\$315.00	APR 2014 CLEANING-PD
NEUMANN MONSON WICTOR	\$3,000.00	NEW LIBRARY PROJECT-PROF SERVICES
O'REILLY AUTOMOTIVE, INC.	\$71.76	BRAKE CLEANER, OIL
OFFICE SYSTEMS CO	\$249.77	STAPLES
OIL EXPRESS INC	\$474.80	MOWERS-OIL , GREASE
OVERDRIVE, INC.	\$11.99	eBOOK
PFLANZ ELECTRONICS	\$4,506.98	COUNCIL CHAMBERS-AV EQUIPMENT REPLACEMENT
PRESTO-X	\$204.53	MAY 2014 PEST CONTROL
QUALIFIED PRESORT SVC, LLC	\$425.21	APR 2014 PRT/POSTAGE UTILITY BILLS
THE RADAR SHOP, INC.	\$234.00	RADAR RE-CERTIFICATION, TUNING FORK
SD ONE CALL	\$61.05	APR 2014 LOCATE FEES
SD PUBLIC ASSURANCE ALLIANCE	\$49,626.68	2014-2015 INSURANCE COVERAGE
SIOUXLAND HUMANE SOCIETY	\$37.00	APR 2014 SERVICES
SUPREME SCHOOL SUPPLY	\$26.15	BOOKS
WESTERN OFFICE TECHNOLOGIES	\$107.45	COPY PAPER, PKG TAPE, 11X17 PAPER
WRIGHT EXPRESS FLEET SVCS	\$2,696.51	APR 2014 FUEL CHARGES
WOW! INTERNET, CABLE & PHONE	\$592.57	5/10-6/9 TELEPHONE CHARGES
US BANK ONE CARD	\$1,989.65	MAY 2014 CC CHARGES

Adjournment was at 8:01 p.m., motion by Beavers and second by Verdoorn. Unanimous.

## CITY OF NORTH SIOUX CITY

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**Don Fuxa, Mayor**

**ATTEST:**

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**Donna Houck, Finance Officer**

**ATTEST:**

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**Kory Menken, Human Resources Director**